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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/831,138	06/13/2001	Rolf Stirer	4070-61PUS	8988

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EXAMINER

SHAY, DAVID M

ART UNIT

PAPER NUMBER

3739

DATE MAILED: 11/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



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EXAMINER

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DATE MAILED:

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

- ☒ Responsive to communication(s) filed on January 29, 2012
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 1-15 is/are pending in the application.
Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-15 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of Reference Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

—SEE OFFICE ACTION ON THE FOLLOWING PAGES—

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

Claim 1 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Sigurdsson et al.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edison in combination with Sigurdsson et al. Edison teaches a fluorescent lamp using Calcium Tungstate as the phosphor which can be coated inside the vacuum tube or inside tube containing the vacuum tube. Sigurdsson et al teach a fluorescent lamp with the claimed output characteristics. It would have been obvious to the artisan of ordinary skill to employ the lamp of Edison to produce the claimed spectrum, since this is useful for treating acne vulgaris, as taught by Sigurdsson et al, or alternatively to employ the phosphor coating of Edison in the lamp of Sigurdsson et al, since Sigurdsson et al teach no particular phosphor and to employ Calcium Tungstate, since this has a greater power conversion, as taught by Edison, thus producing a device such as claimed.

Claims 1, 3, 4, 6, 7, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sigurdsson et al in combination with Yoshizawa et al. Yoshizawa et al teach an electrode

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less discharge lamp powered by a magnetron and situated in a resonant cavity. Sigurdsson et al provide the teachings set forth above. It would have obvious to the artisan of ordinary skill to employ filters on the lamp of Yoshizawa et al to produce the claimed output, since this is useful for treating acne vulgaris, as taught by Sigurdsson et al; or in the alternative, to energize the lamp of Sigurdsson et al using the magnetron and resonant cavity of Yoshizawa et al, since this is not critical, produces no unexpected result, and since this configuration provides a long bulb life than a configuration involving electrodes; and in either case to configure the resonator for E_{10} mode, since this is not critical thus producing a device such as claimed.

Claims 1 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sigurdsson et al in combination with Hammer et al. Sigurdsson et al teach a device such as claimed except for the use of zirconium oxide. Hammer et al teach the use of zirconium oxide on the electrodes of discharge lamps. It would have been obvious to the artisan of ordinary skill to employ zirconium oxide in the bulb of Sigurdsson et al, since this would prevent the formation of oxide rings, as taught by Hammer et al, thus producing a device such as claimed.

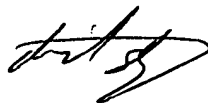
Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sigurdsson et al in combination with Yoshizawa et al as applied to claims 1 and 7 above, and further in view of Edison. Edison teaches the use of Calcium Tungstate as the phosphor in a fluorescent lamp. It would have been obvious to the artisan of ordinary skill to employ the phosphor of Edison, since this phosphor has a greater power conversion, as taught by Edison, thus producing a device such as claimed.

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Claims 1 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sigurdsson et al in combination with Eastlund et al. Sigurdsson et al teach a device as claimed except for the water jacket forming an IR filter. Eastlund et al teach the desirability of employing a water jacket on a discharge lamp. It would have been obvious to the artisan of ordinary skill to employ a water jacket in the lamp of Sigurdsson et al, since this would cool the bulb and provide spectral filtration, thus producing a device such is claimed.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sigurdsson et al in combination with Salansky et al. Sigurdsson et al teach a method as claimed except treating at cell mediated skin disorder. Salansky et al teach that treatments for pockmarks - a symptom of acne vulgaris, is also recognized as a treatment for lupus. Thus it would have been obvious to employ the acne treatment protocol of Sigurdsson et al, since this is recognized as appropriate for lupus, thus producing a method such as claimed.

Any inquiry concerning this communication should be directed to David Shay at telephone number (703) 308-2215.



DAVID M. SHAY
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GROUP 330

David Shay:lf
October 30, 2002